CONSTITUTION

OF THE

EYAK VILLAGE

FILE COPY

PREAMBLE

We, a group of Aleuts, Eskimos, Indians and Eyaks, hereafter referred to as natives, residing principally within the South Central Region, in the State of Alaska, having a common bond of association and interests, in order to promote our security and social welfare, and advance and protect our common interest as the descendants of the aboriginal natives within the Eyak Village, do establish this constitution by the authority of the Act of June 18, 1934 (48 Stat. 984) as amended by the Act of May 1, 1936 (49 Stat. 1250).

ARTICLE I - NAME

The official name of this organization shall be the Eyak Village hereafter referred to as the village.

ARTICLE II - MEMBERSHIP

Section 1. The base membership roll of the Eyak Village shall consist of those persons whose names appear on the Eyak Village listing or on the Chugach regional corporation listing prepared pursuant to the Alaska Native Claims Settlement Act who actually reside in Eyak Village at the time of adoption of this constitution, and who make application for enrollment to the governing body of the Eyak Village within six months from the effective date of this constitution. Applications for enrollment of minors may be made by the parent or legal guardian. The base membership roll prepared pursuant to this section shall be subject to the approval of the Secretary of the Interior and a denial of enrollment by the governing body under this section may be appealed to the Secretary of the Interior or his authorized representative whose decision shall be final.

Sec. 2. All descendants of base enrollees shall be eligible for membership and shall be enrolled upon application and must be of at least one-quarter (1/4) degree Alaska Native blood.

Sec. 3. No person shall be enrolled as a member of this village who has received payments in land or money by virtue of having been enrolled as a member of some other tribe, band or community of Alaska Natives or American Indians.

Sec. 4. The general council shall maintain the membership roll current at all times. It shall have authority to enact ordinances, subject to the approval of the Secretary of the Interior or his authorized representative, governing the adoption and removal of members, provided, however, that any person whose name is removed from the membership roll shall have the right to appeal to the Area Director. If the appeal is denied by the Area Director, the appeal shall be forwarded to the Secretary of the Interior for his decision which shall be final.

(a) To employ legal counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative.

(b) To consult, negotiate, contract or conclude agreements with Federal, State and local governments on activities which may affect the Eyak Village.

(c) To levy dues, fees and assessments on its members for village purposes and to provide for the collection thereof. No such levy of dues, fees or assessments shall be effective until ratified by majority vote of the adult members present at any regular or special meeting of the general council.

(d) To organize or charter village enterprises, corporations or associations.

(e) To prescribe rules and regulations governing future membership, loss of membership and the adoption of members.

(f) To enact an election ordinance providing for fair elections, nomination of candidates, secret balloting and a method for handling protests and resolving election disputes.

(g) To provide for the filling of vacancies in office.

(h) To engage in any business that will further the economic well being of the members of the village or to undertake any activity of any nature whatever not inconsistent with Federal or State law or the provisions of the Act of June 18, 1934, as amended.

(i) To protect the natural resources of the village.

(j) To preserve and cultivate the arts, crafts and culture of the aboriginal natives of this village.

(k) To promote the peace, safety, health and general welfare of the members of the village.

Any rights and powers heretofore vested in the Eyak Village but not expressly referred to in this constitution shall not be lost by reason of their omission but may be exercised by the general council through the adoption of appropriate constitutional amendments.

ARTICLE VII - BILL OF RIGHTS

Section 1. All members of the village shall enjoy without hindrance freedom of worship, conscience, speech, press, assembly and association.

Sec. 2. This constitution shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the members of the village as citizens of the State of Alaska or the United States.

ARTICLE III - GOVERNING BODY

The governing body of the Eyak Village shall be the Eyak General Council which shall be composed of all adult members of the village eighteen (18) years of age or older.

ARTICLE IV - EXECUTIVE COMMITTEE

Section. 1. There shall be an executive committee composed of a chairman, a vice-chairman, a secretary, a treasurer and one committee member. All members of the executive committee shall hold office for a term of two (2) years or until their successors are duly elected and installed. The executive committee shall also act as officers of the village.

The executive committee shall perform such duties as shall be delegated to it by the general council through the adoption of appropriate ordinances. The executive committee shall determine its own procedures. Such procedures shall be set forth in a resolution.

ARTICLE V - ELECTION

Section 1. The first regular election of the executive committee members under this constitution shall be held within sixty (60) days following ratification of this constitution by the eligible voters of the Eyak Village and approval by the Secretary of the Interior or his authorized representative. Thereafter, elections shall be held every two years. Members shall hold office until their successors are duly elected and installed.

Sec. 2. All enrolled members of the village who are eighteen (18) years of age or over shall be entitled to vote in any village election or meeting.

Sec. 3. All elections shall be by secret ballot.

Sec. 4. Any member of the village who is eighteen (18) years of age or over and has not been convicted of a felony, unless pardoned, or until at least five (5) years have passed following completion of sentence, may qualify for and hold office.

Sec. 5. An election ordinance shall be adopted by the general council within six (6) months following the effective date of this constitution. Such ordinance shall include but not be limited to provisions for a fair election, secret balloting, nomination of candidates, absentee balloting, and procedures for handling protests and resolving election disputes. Provisions shall also be included regarding the conduct of recall and referendum elections and a uniform procedure for submitting petitions. Elections to amend this constitution shall be conducted in accordance with Article XIV of this constitution.

ARTICLE VI - POWERS

The general council, or by delegated authority the executive committee, shall exercise the following powers subject to any limitations imposed upon such powers by Federal law or the Constitution of the United States.

involving misconduct reflecting on the dignity and integrity of the tribal government, malfeasance in office, or gross neglect of duty shall be removed from office if at least three (3) members of the executive committee vote in favor of such removal. Voting must be by secret ballot and the chairman is entitled to vote. The accused shall have the right to cast a secret ballot. Before any vote for removal is taken, the accused shall be given a written statement of the charges against him at least ten (10) days before the meeting of the executive committee at which he is to appear and he shall be given an opportunity to answer any and all charges at the designated executive committee meeting. The decision of the executive committee shall be final. No member of the executive committee shall preside over the meeting at which his removal is being considered.

Sec. 2. Recall. Upon receipt of a petition signed by at least fifty percent (50%) of the qualified voters of the village, it shall be the duty of the executive committee to call and conduct within thirty (30) days an election to consider the recall of an elected official. The election shall be conducted pursuant to the election ordinance. Once an individual has been subjected to recall proceedings, he shall not again be subject to such action during the balance of his term of office.

Sec. 3. Forfeiture. If any member of the executive committee shall be found guilty of a felony in any Federal or State Court, shall die, resign, is absent without being excused by the executive committee for more than three (3) consecutive meetings in succession, or has ceased to physically reside in the State of Alaska, he shall automatically forfeit his office.

ARTICLE IX - VACANCIES

Section 1. Any vacancy in the executive committee, whether it be by removal, recall or forfeiture, shall be filled within thirty (30) days of the date it becomes vacant by special election of the general council unless such vacancy occurs within sixty (60) days of the regular election. The office shall then remain vacate until the regular annual election is held. Special elections to fill such vacancies shall be conducted pursuant to the procedures set forth in the election ordinance for special elections.

ARTICLE X - DUTIES OF OFFICERS

Section 1. The chairman shall preside at all meetings of the general council and of the executive committee and shall perform all duties of the chairman and shall exercise any authority delegated to him or her by the general council or the executive committee.

Sec. 2. The vice-chairman shall, in the absence of the chairman, perform all duties and assume all responsibilities vested in the chairman. The vice-chairman shall, upon the request of the chairman, assist in carrying out the duties of the chairman.

Sec. 3. The secretary shall keep an accurate account of all proceedings and officials records of the general council and the executive committee. The secretary shall be responsible for the prompt and efficient handling of all correspondence pertaining to the village. All official records of the secretary shall be open to inspection during normal working hours by the members of the council.

at their request. The secretary shall keep an accurate list of all members of the executive committee. It shall be the secretary's responsibility to keep minutes of all regular and special meetings and to submit copies of such minutes to the Superintendent of the Anchorage Agency. The secretary shall render a written report at the annual council meeting and at the expiration of his term of office all the records and papers in his possession shall be turned over to his successor on the executive committee.

Sec. 4. Treasurer. The treasurer shall be the custodian of funds in possession of the executive committee from any source. He shall receive, receipt for and deposit them in a bank covered by the Federal Deposit Insurance Corporation. He shall keep an accurate record of all such funds and shall disburse the same in accordance with a properly executed resolution of the general council or of the executive committee. The treasurer shall render a written report at the annual general council meeting and at such times as he is requested to do so by the executive committee. The treasurer shall be bonded. The cost of the bond shall be paid from village funds. A complete audit of all village funds, regardless of source, shall be made annually by a Certified Public Accountant or by auditors of the Bureau of Indian Affairs. At the expiration of his term of office, the treasurer shall turn over to his successor on the executive committee all the records and papers and funds in his possession.

ARTICLE XI - MEETINGS

Section 1. Regular meetings of the executive committee shall be held quarterly with the date, time and place designated by the executive committee. The executive committee shall give public notice of the meeting at least five (5) days prior to such meeting.

Special meetings of the executive committee may be called by the chairman at his discretion and shall be called by him upon the written request of three (3) members of the executive committee; provided, that at least ten (10) days notice shall be given in each instance.

Sec. 2. Annual meetings of the general council shall be held the date, time and place being designated by the executive committee. Notices of the meeting shall be published at least ten (10) days prior to the meeting.

Special meetings of the general council may be called at the discretion of the chairman and shall be called by him upon the written request of the executive committee or upon receipt of a petition signed by at least twenty-five (25) members of the general council; provided, that at least ten (10) days notice shall be given in each instance.

Sec. 3. Quorum. Three (3) members of the executive committee shall constitute a quorum. Twenty-five (25) members of the general council shall constitute a quorum. No business shall be transacted by the executive committee or the general council unless a quorum is present.

Sec. 4. All meetings of the executive committee and of the general council shall be conducted in accordance with Robert's Rules of Order except where said rules conflict with a specific provision of this constitution.

ARTICLE XII - TRIBAL ENACTMENTS

Section 1. Ordinances. All final decisions on matters of general and permanent interest to members of the village shall be embodied in ordinances such as an enrollment or an election ordinance. Such enactments shall be available for inspection by members of the village during normal office hours.

Sec. 2. Resolutions and Motions. All final decisions on matters of short term or one time interest where a formal expression is needed shall be embodied in resolutions. Other decisions of a temporary nature or relating to particular individuals, officials or committees shall be put in the form of motions and noted in the minutes and shall be available for inspection by members of the village during normal office hours.

Sec. 3. All ordinances and resolutions shall be dated and numbered and shall include a certification showing the presence of a quorum and the number of members voting for or against the proposed enactment.

Sec. 4. No enactment of the executive committee or the general council shall have any validity or effect in the absence of a quorum of the membership thereof at a legally called session.

ARTICLE XIII - SEVERABILITY

If any provision of this constitution shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XIV - AMENDMENTS

This Constitution may be amended by a majority vote of the qualified voters of the Eyak Village voting at an election called and conducted for that purpose by the Secretary of the Interior or his authorized representative; provided, that at least thirty percent (30%) of those entitled to vote shall vote in such election. No amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call and conduct an election on any proposed amendment at the written request of the general council or upon presentation of a petition signed by at least one-third (1/3) of the eligible voters of the Eyak Village.

ARTICLE XV - ADOPTION

This constitution shall be in effect when it is ratified by a majority of the qualified voters voting at an election called for that purpose by the Secretary of the Interior or his designated representative; provided, at least thirty percent (30%) of those entitled to vote shall vote.

APPROVAL

I, /s/ Theodore C. Krenzke Acting Deputy, Commissioner of Indian Affairs by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), and the Alaska Act of May 1, 1936 (49 Stat. 1250), as amended, do hereby approve the foregoing Constitution of the Eyak Village, Alaska.

/s/ Theodore C. Krenzke

Acting Deputy Commissioner

Washington, D. C.

Date: JUN 18 1980

CERTIFICATE OF ADOPTION

Pursuant to an order issued _____, 1979, by the Commissioner of Indian Affairs the foregoing Constitution of the Eyak Village was submitted for ratification to the eligible voters of the Eyak village and was on _____, 1980, duly adopted / rejected by a vote of _____ (number) for, and _____ (number) against, in an election in which at least thirty percent (30%) of the _____ (number) entitled to vote cast their ballots in accordance with the Alaska Act of May 1, 1936 (49 Stat. 1250) and Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

_____
Chairman, Election Board

_____
Election Board Member

_____
Election Board Member